

Appln. No. 10/664,392
Amdt. dated October 27, 2004
Reply to Office action dated July 28, 2004

REMARKS/ARGUMENTS

The objection of the drawings is traversed for the reasons to follow. In particular, the reference number "44" has been deleted from Figure 2.

The objection to the abstract of the disclosure is traversed for the reasons to follow. In particular, the term "said" on line 3 has been changed to --the-- as required by the examiner.

The objection to claim 4 is traversed for the reasons to follow. In particular, the term "said" on line 3 has been changed to --the-- as required by the examiner.

The objection to claim 4 is traversed for the reasons to follow. In particular, claim 4 has been amended to be made dependent on claim 2.

Claim 2 has been amended to add the term "said" on line 2.

The rejection of claims 1-4 as being unpatentable over Dunbridge et al (US 2001/002 2246A1) and in further view of Geschwender (US 4,611,684A) is traversed for the reasons to follow.

Applicant acknowledges that the Dunbridge et al device incorporates a number of the limitations recited in claim 1. However, and as recognized by the examiner, Dunbridge et al fails to disclose a free check assembly. The free wheel assembly, as set in the specification provides an important function when utilized in a power tool driven vehicle i.e. the arrangement prevents the power tool motor from being damaged when the power tool is not energized and the vehicle is still moving.

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figures 1-3, replaces the original sheet including Figures 1-3. In Figure 2, element 44 has been deleted.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

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Admittedly the concept of "free wheeling" is not new as evidenced by the Geschwender patent. However, the concept of using the free wheeling concept in a vehicle driven by a power tool, as set forth in claims 1-4, is not suggested by either the primary Dunbridge et al or secondary Geschwender references.

In Robotic Vision Systems Inc. v. View Engineering, Inc., 51USPQ2d 1948, 1954 (Fed. Cir. 1999), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103. In particular, the Court noted that the combination of two or more references "must show some motivation or suggestion to combine the teachings", also citing In re Rouffet, 47USPQ2d 1453 (Fed. Cir. 1998). It is clear that the Dunbridge et al and Geschwender et al references cited by the examiner do not motivate or suggest to someone skilled in the art that they can be combined to make applicant's claimed invention obvious without the use of hindsight.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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